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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,907	12/26/2001	Yun-Ho Jung	8733.565.00	7489

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EXAMINER

PADGETT, MARIANNE L

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/025,907

Applicant(s)

JUNG, YUN-HO

Examiner

Marianne L. Padgett

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 6-74.

Claim(s) withdrawn from consideration: 1-4.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

MARIANNE PADGETT
PRIMARY EXAMINER

Continuation of 2. NOTE: All claimed movements being effected by "stepping" is a new issue, since previously all movement was generic (i.e. neither continuous nor discontinuous or stepped), and NO attempt to provide support for these changes was made by applicant, hence they potentially encompass New Matter, but [0036] may provide support for discrete small scale movements of the mask for crystallizing within a "block", however the mask's movement is controlled by a mask stage, NOT by the mask itself as in claim 5.

Continuation of 5. does NOT place the application in condition for allowance because: applicants' citation of the lines in Im et al (6,368,945 B1) that teach movement of the masking system and/or the sample stage (col.4, lines 39-49), then repeating the previously refuted argument that this same teaching does not exist in Im et al is NOT convincing. Applicants' other allegation that appears to be arguing that all movement in Im et al is continuous, not step is also inaccurate, since only Im et al's scanning in one direction, exemplified by Y is continuous, while movement in the perpendicular direction, X, is taught to be "stepped" with examples of 2 cm or 3 micrometer given. See col.7, lines 5-26+ and col.9, lines 35-67+, and fig. 1B & 7. Particularly note that while the exemplary discussion all refers to the sample stage being moved, lines 39-44 of col.4 specifically says that the movement illustrated in figure 1B can result from "motion ... of the sample translation stage 180 and/or the movement of the mask system 150". Since those movements include stepping as disclosed, obvious arguments concerning the proposed amendment would be required. Note in figure 1B, since the mask is producing beamlet that follow the path denoted by 25, 30, 35, 45, 50 55,...75+, and ref# 5 & 6 are column equivalent to the claimed blocks, stepping movement to complete crystallization of both individual blocks & of other blocks is taught.

Continuation of 10. Other: It is noted that since applicants ignored the examiner's question concerning the "mask controlling fine movement of the mask" in lines 6-7 of claim 5, they intend for their mask to be self moving (i.e. NOT moved by the mask stage).